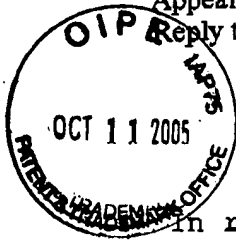


Appl. No. 09/981,878
Appeal Brief dated 10/10/2005
Reply to Office Action of 06/01/2005



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

in re: Application of:
Genty et al.

Serial No: 09/981,878

Filed: 10/18/2001

Title: APPARATUS AND METHOD
OF VISITING BOOKMARKED WEB
PAGES WITHOUT OPENING A
BOOKMARK FOLDER

:
:
: Before the Examiner:
: Dennis G. Bonshock
:
: Group Art Unit: 2173
:
: Confirmation No.: 7330
:
:
:

TRANSMITTAL OF APPELLANTS' BRIEF UNDER 37 C.F.R. 1.192(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attached is Appellant's Brief, in triplicate, from a
decision of the Examiner dated 06/01/2005, finally
rejecting the claims in the Application.

The item(s) marked below are appropriate:

1. _____ A petition and fee for extension of term for
reply to the final rejection is attached.
2. X Appeal fee
 X other than a small entity. Fee: \$500.00
3. X Payment
 X Please charge Deposit Account 09-0447 the
sum of \$500.00. A duplicate of this notice
is attached.

AUS920010860US1

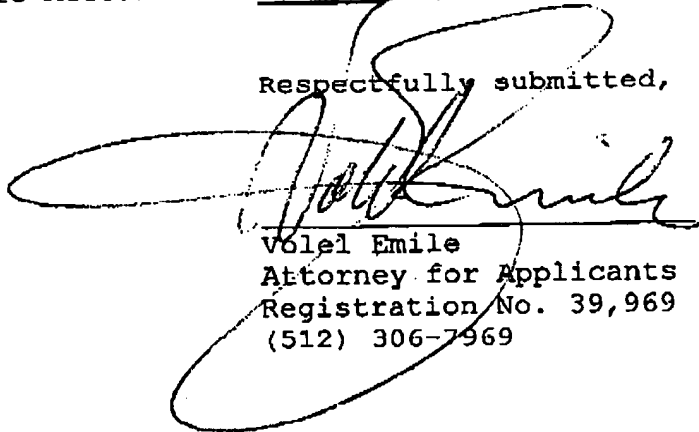
RECEIVED
OIPE/IAP

OCT 12 2005

Appl. No. 09/981,878
Appeal Brief dated 10/10/2005
Reply to Office Action of 06/01/2005

The Commissioner is hereby authorized to charge any additional fee, which may be required or credit any overpayment to Deposit Account No. 09-0447.

Respectfully submitted,

A large, stylized handwritten signature in black ink, appearing to read 'Volel Emile', is written over the typed name and contact information.

Volel Emile
Attorney for Applicants
Registration No. 39,969
(512) 306-7969

AUS920010860US1

Page 2 of 2

Appl. No. 09/981,878
 Appeal Brief dated 10/10/2005
 Reply to Office Action of 06/01/2005



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of:	:
Genty et al.	:
	: Before the Examiner:
Serial No: 09/981,878	: Dennis G. Bonshock
	:
Filed: 10/18/2001	: Group Art Unit: 2173
	:
Title: APPARATUS AND METHOD	: Confirmation No.: 7330
OF VISITING BOOKMARKED WEB	:
PAGES WITHOUT OPENING A	:
BOOKMARK FOLDER	:

TRANSMITTAL OF APPELLANTS' BRIEF UNDER 37 C.F.R. 1.192(a)

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Attached is Appellant's Brief, in triplicate, from a decision of the Examiner dated 06/01/2005, finally rejecting the claims in the Application.

The item(s) marked below are appropriate:

1. _____ A petition and fee for extension of term for reply to the final rejection is attached.
2. X Appeal fee
 - X other than a small entity. Fee: \$500.00
3. X Payment
 - X Please charge Deposit Account 09-0447 the sum of \$500.00. A duplicate of this notice is attached.

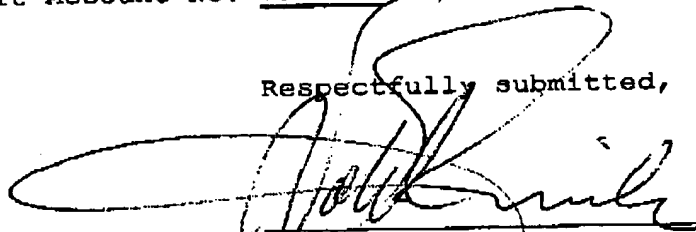
AUS920010860US1

Page 1 of 2

Appl. No. 09/981,878
Appeal Brief dated 10/10/2005
Reply to Office Action of 06/01/2005

The Commissioner is hereby authorized to charge any additional fee, which may be required or credit any overpayment to Deposit Account No. 09-0447.

Respectfully submitted,

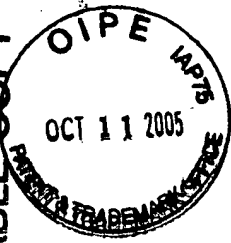


Volel Emile
Attorney for Applicants
Registration No. 39,969
(512) 306-7969

AUS920010860US1

Page 2 of 2

BEST AVAILABLE COPY



FAX

RECEIVED
CENTRAL FAX CENTER

OCT 10 2005

ATTN. Dennis G. Bonshock

Fax Number 1 571 273 8300

Phone Number 571 272 4047

FROM Volel Emile, Esq.

Fax Number (512) 306-0240

Phone Number (512) 306-7969

SUBJECT Appeal Brief (09/981,878)

Number of Pages 39

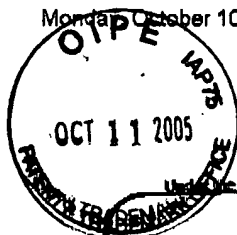
Date 10/10/2005

MESSAGE

This Fax communication contains:

1. one copy of a Fax Transmittal Form;
2. two copies of a Fee Transmittal Letter, including fee; and
3. three copies of the Appeal Brief.

Volel



PTO/SB/21 (02-04)

Approved for use through 07/31/2008. OMB 0651-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Patent Reduction Act of 1992, no person is required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/81,578
	Filing Date	10/18/2001
	First Named Inventor	Gentry et al.
	Art Unit	2173
	Examiner Name	Dennis G. Bonshock
Total Number of Pages in This Submission		Attorney Docket Number AUS920010860US1

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/Declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks Appeal Brief		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Volel Emile
Signature	
Date	10/10/2005

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Volel Emile	Date	10/10/2005
Signature			

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

RECEIVED
CENTRAL FAX CENTER

OCT 10 2005



Appl No. 09/981,878
Appeal Brief dated 10/10/2005
Reply to Office Action of 06/01/2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of: :
Genty et al. :
Serial No: 09/981,878 : Before the Examiner:
Filed: 10/18/2001 : Dennis G. Bonshock
Title: APPARATUS AND METHOD : Group Art Unit: 2173
OF VISITING BOOKMARKED WEB : Confirmation No.: 7330
PAGES WITHOUT OPENING A :
BOOKMARK FOLDER :

APPELLANTS' BRIEF UNDER 37 C.F.R. 1.192

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is an appeal to a final rejection dated June 01, 2005 of claims 1, 4 - 6, 9 - 11, 14 - 16 and 19 - 29 of Application Serial Number 09/981,878 filed on October 18, 2001. This Appeal Brief is submitted pursuant to a Notice of Appeal filed on August 08, 2005 in accordance with 37 C.F.R. 1.192.

AUS920010860US1

Page 1 of 11

Appl No. 09/981,878
Appeal Brief dated 10/10/2005
Reply to Office Action of 06/01/2005

BRIEF FOR APPLICANTS - APPELLANTS

(1)

Real Party in Interest

The real party in interest is International Business Machines Corporation (IBM), the assignee.

(2)

Related Appeals and Interferences

There are no other appeals or interferences known to appellants, appellants' representative or assignee, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3)

Status of Claims

Claims 1, 4 - 6, 9 - 11, 14 - 16 and 19 - 29 have been finally rejected in an Office Action dated June 01, 2005. In that Office Action, the Examiner objected to the claims because the "W" in the word "Web" was sometimes capitalized and at times not. In a telephone conversation on August 02, 2005, the Examiner has agreed to enter an Examiner's Amendment in which the word "Web" will be written with a capital "W" in all the claims to overcome the objection. The Examiner's Amendment will be entered in the Examiner's Reply Brief. This appeal involves all the rejected claims.

(4)

Status of Amendment

All amendments have been entered.

AUS920010860US1

Page 2 of 11

Appl. No. 09/981,878
Appeal Brief dated 10/10/2005
Reply to Office Action of 06/01/2005

(5)

Summary of the Invention

The present invention provides a method, system and apparatus for accessing bookmarked Web pages without opening a bookmark folder (see page 9, lines 20 - 23 as well as Title on page 1). The invention uses an icon in a browser to access the bookmarked Web pages (see Fig. 8). Specifically, when a Web page is being bookmarked, it can be chosen to be part of a route or be part of a string of bookmarks to be successively accessed (see page 11, lines 8 - 18 and Fig. 8). Provided there is an existing route (see Figs. 9 and 10), when the browser is first instantiated, the icon in the browser will point directly to the first bookmark Web page in the route (see page 11, lines 19 - 27, page 12, lines 3 - 6). Therefore, if the user clicks on the icon, the first bookmarked Web page in the route will be accessed without the bookmark folder having been opened.

(6)

Issues

Whether Claims 1, 4 - 6, 9 - 11, 14 - 16 and 19 - 29 were properly rejected under 102(e) as being anticipated by Bauersfeld et al.

(7)

Grouping of Claims

The rejected claims stand or fall together.

(8)

AUS920010860US1

Page 3 of 11

Appl. No. 09/981,878
Appeal Brief dated 10/10/2005
Reply to Office Action of 06/01/2005

Argument

In considering a Section 102 rejection, all the elements of the claimed invention must be disclosed in a single item of prior art in the form literally defined in the claim. *Jamesbury Corp. v. Litton Indus. Products*, 756 F.2d 1556, 225 USPQ 253 (Fed. Cir. 1985); *Atlas Powder Co. v. Dupont*, 750 F.2d 1569, 224 USPQ 409 (Fed. Cir. 1984); *American Hospital Supply v. Travenol Labs.*, 745 F.2d 1, 223 USPQ 577 (Fed. Cir. 1984)..

Bauersfeld et al. purport to teach a session navigation and recording system for generating user defined paths. In accordance with the purported teachings of Bauersfeld et al., as a user navigates through the Internet, the user may elect to have the Web pages that are being accessed bookmarked for later retrieval. These bookmarked Web pages are stored in a session file folder. Generally, a default session file folder, having for name the current date, is used for storing the bookmarked Web pages. The user may, at any time, change the name of the default session file folder to any other name. In any case, when the user instantiates the browser for the first time in a day, the default session file folder will be empty. It will not start to fill up until the user has started to navigate through the Internet.

After activating the browser, the user may revisit a previously stored set of bookmarked web pages. To do so, the user needs to replace the default session file folder with a session file folder into which the set of bookmarked Web pages was previously stored. The user can do so by selecting, using a pull down menu of a session tool bar,

AUS920010860US1

Appl. No. 09/981,878
Appeal Brief dated 10/10/2005
Reply to Office Action of 06/01/2005

the desired session file folder. Once that is done, the user may access the bookmarked Web pages by asserting a BACK or a FORWARD button on the session tool bar.

Thus, Bauersfeld et al. do not teach or suggest the steps of *activating a browser for a first time in a day, wherein the browser, upon activation, has at least one icon associated with the first one of the bookmarked web pages in the sequence; and of accessing and displaying the first one of the bookmarked Web pages by asserting the icon as claimed* (see representative Claim 1). Rather, Bauersfeld et al. arguably teach that the user has to make that association by choosing a session file folder that contains a set of bookmarked Web pages or that the user has to begin to navigate through the Internet before the association occurs.

Consequently, Applicants submit that the claims in the Application are allowable. Hence, Applicants respectfully request allowance and passage to issue of the claims in the application.

Respectfully submitted,

By: 

Volel Emile
Attorney for Applicants
Registration No. 39,969
(512) 306-7969

AUS920010860US1

Page 5 of 11

Appl. No. 09/981,878
Appeal Brief dated 10/10/2005
Reply to Office Action of 06/01/2005

APPENDIX

1. (Previously presented) A method of accessing and displaying a plurality of bookmarked web pages, the plurality of bookmarked Web pages being arranged in a bookmark folder in a sequence in which the bookmarked Web pages are to be accessed, the method comprising the steps of:

activating a browser for a first time in a day, said browser, upon activation, having at least one icon associated with the first one of said bookmarked web pages in the sequence; and

asserting said at least one icon for accessing and displaying said first one of said bookmarked Web pages.

2. Canceled.
3. Canceled.
4. (Previously presented) The method of Claim 22 wherein the at least one icon is a next icon.
5. (Previously presented) The method of Claim 4 wherein the other icon is a previous icon.
6. (Previously presented) A computer program product on a computer readable medium for accessing and displaying

AUS920010860US1

Appl. No. 09/981,878
Appeal Brief dated 10/10/2005
Reply to Office Action of 06/01/2005

a plurality of bookmarked web pages, the plurality of bookmarked Web pages being arranged in a bookmark folder in a sequence in which the bookmarked Web pages are to be accessed, the computer program product comprising:

code means for activating a browser for a first time in a day, said browser, upon activation, having at least one icon be associated with the first one of said bookmarked web pages in the sequence; and

code means for asserting said at least one icon for accessing and displaying said first one of said bookmarked Web pages.

7. Canceled.
8. Canceled.
9. (Previously presented) The computer program product of Claim 24 wherein the at least one icon is a next icon.
10. (Previously presented) The computer program product of Claim 9 wherein the other icon is a previous icon.
11. (Previously presented) An apparatus for accessing and displaying a plurality of bookmarked web pages, the plurality of bookmarked Web pages being arranged in a bookmark folder in a sequence in which the bookmarked

AUS920010860US1

Appl. No. 09/981,878
Appeal Brief dated 10/10/2005
Reply to Office Action of 06/01/2005

Web pages are to be accessed, the apparatus comprising:

means for activating a browser for a first time in a day, said browser, upon activation, having at least one icon be associated with the first one of said bookmarked web pages in the sequence; and

means for asserting said at least one icon for accessing and displaying said first one of said bookmarked Web pages.

12. Canceled.

13. Canceled.

14. (Previously presented) The apparatus of Claim 26 wherein the at least one icon is a next icon.

15. (Previously presented) The apparatus of Claim 14 wherein the other icon is a previous icon.

16. (Previously presented) A computer system for accessing and displaying a plurality of bookmarked web pages, the plurality of bookmarked Web pages being arranged in a bookmark folder in a sequence in which the bookmarked Web pages are to be accessed, the computer system comprising:

at least one memory device for storing code data; and

AUS920010860US1

Appl. No. 09/981,878
Appeal Brief dated 10/10/2005
Reply to Office Action of 06/01/2005

a processor for processing said code data to activate a browser for a first time in a day, said browser, upon activation, having at least one icon be associated with the first one of said bookmarked web pages in the sequence, and to assert said at least one icon for accessing and displaying said first one of said bookmarked Web pages.

17. Canceled.

18. Canceled.

19. (Previously presented) The computer system of Claim 28 wherein the at least one icon is a next icon.

20. (Previously presented) The computer system of Claim 19 wherein the other icon is a previous icon.

21. (Previously presented) The method of Claim 1 wherein after accessing a previous one of the bookmarked Web pages in the sequence, the at least one icon becomes associated with a succeeding one of the bookmarked Web pages in the sequence.

22. (Previously presented) The method of Claim 21 wherein after accessing the previous one of the bookmarked Web pages, the previous one of the bookmarked web pages becomes associated with another icon.

AUS920010860US1

Appl. No. 09/981,878
Appeal Brief dated 10/10/2005
Reply to Office Action of 06/01/2005

23. (Previously presented) The computer program product of Claim 6 wherein after accessing a previous one of the bookmarked Web pages in the sequence, the at least one icon becomes associated with a succeeding one of the bookmarked Web pages in the sequence.
24. (Previously presented) The computer program product of Claim 23 wherein after accessing the previous one of the bookmarked Web pages, the previous one of the bookmarked web pages becomes associated with another icon.
25. (Previously presented) The apparatus of Claim 11 wherein after accessing a previous one of the bookmarked Web pages in the sequence, the at least one icon becomes associated with a succeeding one of the bookmarked Web pages in the sequence.
26. (Previously presented) The apparatus of Claim 25 wherein after accessing the previous one of the bookmarked Web pages, the previous one of the bookmarked web pages becomes associated with another icon.
27. (Previously presented) The computer system of Claim 16 wherein after accessing a previous one of the bookmarked Web pages in the sequence, the at least one icon becomes associated with a succeeding one of the bookmarked Web pages in the sequence.

AUS920010860US1

Appl. No. 09/981,878
Appeal Brief dated 10/10/2005
Reply to Office Action of 06/01/2005

28. (Previously presented) The computer system of Claim 27 wherein after accessing the previous one of the bookmarked Web pages, the previous one of the bookmarked web pages becomes associated with another icon.

29. (Previously presented) A method of bookmarking a plurality of web pages such that the plurality of the bookmarked web pages can be accessed without opening a bookmark folder in which the plurality of bookmarked web pages are stored comprising the steps of:

bookmarking the plurality of bookmarked Web pages by storing the plurality of bookmarked Web pages into the bookmark folder, the plurality of bookmarked Web pages being stored in the bookmark folder in a sequence in which the bookmarked Web pages are to be accessed;

enabling an icon in a browser to be associated with the first bookmarked Web page in the sequence;

enabling the icon upon being asserted to access and display the associated bookmarked Web page; and

allowing the icon to be asserted upon instantiation of the browser, the icon, after accessing and displaying an associated bookmarked Web page, is disassociated with the displayed bookmarked Web page and is associated with a next bookmarked Web page in the sequence.

AUS920010860US1

Appl. No. 09/981,878
Appeal Brief dated 10/10/2005
Reply to Office Action of 06/01/2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re: Application of: :
Genty et al. :
Serial No: 09/981,878 : Before the Examiner:
 : Dennis G. Bonshock
Filed: 10/18/2001 : Group Art Unit: 2173
 :
Title: APPARATUS AND METHOD : Confirmation No.: 7330
OF VISITING BOOKMARKED WEB :
PAGES WITHOUT OPENING A :
BOOKMARK FOLDER :

APPELLANTS' BRIEF UNDER 37 C.F.R. 1.192

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is an appeal to a final rejection dated June 01, 2005 of claims 1, 4 - 6, 9 - 11, 14 - 16 and 19 - 29 of Application Serial Number 09/981,878 filed on October 18, 2001. This Appeal Brief is submitted pursuant to a Notice of Appeal filed on August 08, 2005 in accordance with 37 C.F.R. 1.192.

AUS920010860US1

Page 1 of 11

Appl. No. 09/981,878
Appeal Brief dated 10/10/2005
Reply to Office Action of 06/01/2005

BRIEF FOR APPLICANTS - APPELLANTS

(1)

Real Party in Interest

The real party in interest is International Business Machines Corporation (IBM), the assignee.

(2)

Related Appeals and Interferences

There are no other appeals or interferences known to appellants, appellants' representative or assignee, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3)

Status of Claims

Claims 1, 4 - 6, 9 - 11, 14 - 16 and 19 - 29 have been finally rejected in an Office Action dated June 01, 2005. In that Office Action, the Examiner objected to the claims because the "W" in the word "Web" was sometimes capitalized and at times not. In a telephone conversation on August 02, 2005, the Examiner has agreed to enter an Examiner's Amendment in which the word "Web" will be written with a capital "W" in all the claims to overcome the objection. The Examiner's Amendment will be entered in the Examiner's Reply Brief. This appeal involves all the rejected claims.

(4)

Status of Amendment

All amendments have been entered.

AUS920010860US1

Page 2 of 11

Appl. No. 09/981,878
Appeal Brief dated 10/10/2005
Reply to Office Action of 06/01/2005

(5)

Summary of the Invention

The present invention provides a method, system and apparatus for accessing bookmarked Web pages without opening a bookmark folder (see page 9, lines 20 - 23 as well as Title on page 1). The invention uses an icon in a browser to access the bookmarked Web pages (see Fig. 8). Specifically, when a Web page is being bookmarked, it can be chosen to be part of a route or be part of a string of bookmarks to be successively accessed (see page 11, lines 8 - 18 and Fig. 8). Provided there is an existing route (see Figs. 9 and 10), when the browser is first instantiated, the icon in the browser will point directly to the first bookmark Web page in the route (see page 11, lines 19 - 27, page 12, lines 3 - 6). Therefore, if the user clicks on the icon, the first bookmarked Web page in the route will be accessed without the bookmark folder having been opened.

(6)

Issues

Whether Claims 1, 4 - 6, 9 - 11, 14 - 16 and 19 - 29 were properly rejected under 102(e) as being anticipated by Bauersfeld et al.

(7)

Grouping of Claims

The rejected claims stand or fall together.

(8)

AUS920010860US1

Page 3 of 11

Appl. No. 09/981,878
Appeal Brief dated 10/10/2005
Reply to Office Action of 06/01/2005

Argument

In considering a Section 102 rejection, all the elements of the claimed invention must be disclosed in a single item of prior art in the form literally defined in the claim. *Jamesbury Corp. v. Litton Indus. Products*, 756 F.2d 1556, 225 USPQ 253 (Fed. Cir. 1985); *Atlas Powder Co. v. Dupont*, 750 F.2d 1569, 224 USPQ 409 (Fed. Cir. 1984); *American Hospital Supply v. Travenol Labs.*, 745 F.2d 1, 223 USPQ 577 (Fed. Cir. 1984)...

Bauersfeld et al. purport to teach a session navigation and recording system for generating user defined paths. In accordance with the purported teachings of Bauersfeld et al., as a user navigates through the Internet, the user may elect to have the Web pages that are being accessed bookmarked for later retrieval. These bookmarked Web pages are stored in a session file folder. Generally, a default session file folder, having for name the current date, is used for storing the bookmarked Web pages. The user may, at any time, change the name of the default session file folder to any other name. In any case, when the user instantiates the browser for the first time in a day, the default session file folder will be empty. It will not start to fill up until the user has started to navigate through the Internet.

After activating the browser, the user may revisit a previously stored set of bookmarked web pages. To do so, the user needs to replace the default session file folder with a session file folder into which the set of bookmarked Web pages was previously stored. The user can do so by selecting, using a pull down menu of a session tool bar,

AUS920010860US1

Appl. No. 09/981,878
Appeal Brief dated 10/10/2005
Reply to Office Action of 06/01/2005

the desired session file folder. Once that is done, the user may access the bookmarked Web pages by asserting a BACK or a FORWARD button on the session tool bar.

Thus, Bauersfeld et al. do not teach or suggest the steps of *activating a browser for a first time in a day, wherein the browser, upon activation, has at least one icon associated with the first one of the bookmarked web pages in the sequence; and of accessing and displaying the first one of the bookmarked Web pages by asserting the icon as claimed* (see representative Claim 1). Rather, Bauersfeld et al. arguably teach that the user has to make that association by choosing a session file folder that contains a set of bookmarked Web pages or that the user has to begin to navigate through the Internet before the association occurs.

Consequently, Applicants submit that the claims in the Application are allowable. Hence, Applicants respectfully request allowance and passage to issue of the claims in the application.

Respectfully submitted,

By: 

Volel Emile
Attorney for Applicants
Registration No. 39,969
(512) 306-7969

AUS920010860US1

Page 5 of 11

Appl. No. 09/981,878
Appeal Brief dated 10/10/2005
Reply to Office Action of 06/01/2005

APPENDIX

1. (Previously presented) A method of accessing and displaying a plurality of bookmarked web pages, the plurality of bookmarked Web pages being arranged in a bookmark folder in a sequence in which the bookmarked Web pages are to be accessed, the method comprising the steps of:

activating a browser for a first time in a day, said browser, upon activation, having at least one icon associated with the first one of said bookmarked web pages in the sequence; and

asserting said at least one icon for accessing and displaying said first one of said bookmarked Web pages.

2. Canceled.
3. Canceled.
4. (Previously presented) The method of Claim 22 wherein the at least one icon is a next icon.
5. (Previously presented) The method of Claim 4 wherein the other icon is a previous icon.
6. (Previously presented) A computer program product on a computer readable medium for accessing and displaying

AUS920010860US1

Appl. No. 09/981,878
Appeal Brief dated 10/10/2005
Reply to Office Action of 06/01/2005

a plurality of bookmarked web pages, the plurality of bookmarked Web pages being arranged in a bookmark folder in a sequence in which the bookmarked Web pages are to be accessed, the computer program product comprising:

code means for activating a browser for a first time in a day, said browser, upon activation, having at least one icon be associated with the first one of said bookmarked web pages in the sequence; and

code means for asserting said at least one icon for accessing and displaying said first one of said bookmarked Web pages.

7. Canceled.
8. Canceled.
9. (Previously presented) The computer program product of Claim 24 wherein the at least one icon is a next icon.
10. (Previously presented) The computer program product of Claim 9 wherein the other icon is a previous icon.
11. (Previously presented) An apparatus for accessing and displaying a plurality of bookmarked web pages, the plurality of bookmarked Web pages being arranged in a bookmark folder in a sequence in which the bookmarked

AUS920010860US1

Appl. No. 09/981,878
Appeal Brief dated 10/10/2005
Reply to Office Action of 06/01/2005

Web pages are to be accessed, the apparatus comprising:

means for activating a browser for a first time in a day, said browser, upon activation, having at least one icon be associated with the first one of said bookmarked web pages in the sequence; and

means for asserting said at least one icon for accessing and displaying said first one of said bookmarked Web pages.

12. Canceled.

13. Canceled.

14. (Previously presented) The apparatus of Claim 26 wherein the at least one icon is a next icon.

15. (Previously presented) The apparatus of Claim 14 wherein the other icon is a previous icon.

16. (Previously presented) A computer system for accessing and displaying a plurality of bookmarked web pages, the plurality of bookmarked Web pages being arranged in a bookmark folder in a sequence in which the bookmarked Web pages are to be accessed, the computer system comprising:

at least one memory device for storing code data; and

AUS920010860US1

Appl. No. 09/981,878
Appeal Brief dated 10/10/2005
Reply to Office Action of 06/01/2005

a processor for processing said code data to activate a browser for a first time in a day, said browser, upon activation, having at least one icon be associated with the first one of said bookmarked web pages in the sequence, and to assert said at least one icon for accessing and displaying said first one of said bookmarked Web pages.

17. Canceled.

18. Canceled.

19. (Previously presented) The computer system of Claim 28 wherein the at least one icon is a next icon.

20. (Previously presented) The computer system of Claim 19 wherein the other icon is a previous icon.

21. (Previously presented) The method of Claim 1 wherein after accessing a previous one of the bookmarked Web pages in the sequence, the at least one icon becomes associated with a succeeding one of the bookmarked Web pages in the sequence.

22. (Previously presented) The method of Claim 21 wherein after accessing the previous one of the bookmarked Web pages, the previous one of the bookmarked web pages becomes associated with another icon.

AUS920010860US1

Appl. No. 09/981,878
Appeal Brief dated 10/10/2005
Reply to Office Action of 06/01/2005

23. (Previously presented) The computer program product of Claim 6 wherein after accessing a previous one of the bookmarked Web pages in the sequence, the at least one icon becomes associated with a succeeding one of the bookmarked Web pages in the sequence.
24. (Previously presented) The computer program product of Claim 23 wherein after accessing the previous one of the bookmarked Web pages, the previous one of the bookmarked web pages becomes associated with another icon.
25. (Previously presented) The apparatus of Claim 11 wherein after accessing a previous one of the bookmarked Web pages in the sequence, the at least one icon becomes associated with a succeeding one of the bookmarked Web pages in the sequence.
26. (Previously presented) The apparatus of Claim 25 wherein after accessing the previous one of the bookmarked Web pages, the previous one of the bookmarked web pages becomes associated with another icon.
27. (Previously presented) The computer system of Claim 16 wherein after accessing a previous one of the bookmarked Web pages in the sequence, the at least one icon becomes associated with a succeeding one of the bookmarked Web pages in the sequence.

AUS920010860US1

Appl. No. 09/981,878
Appeal Brief dated 10/10/2005
Reply to Office Action of 06/01/2005

28. (Previously presented) The computer system of Claim 27 wherein after accessing the previous one of the bookmarked Web pages, the previous one of the bookmarked web pages becomes associated with another icon.

29. (Previously presented) A method of bookmarking a plurality of web pages such that the plurality of the bookmarked web pages can be accessed without opening a bookmark folder in which the plurality of bookmarked web pages are stored comprising the steps of:

bookmarking the plurality of bookmarked Web pages by storing the plurality of bookmarked Web pages into the bookmark folder, the plurality of bookmarked Web pages being stored in the bookmark folder in a sequence in which the bookmarked Web pages are to be accessed;

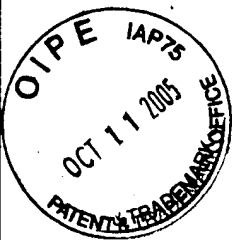
enabling an icon in a browser to be associated with the first bookmarked Web page in the sequence;

enabling the icon upon being asserted to access and display the associated bookmarked Web page; and

allowing the icon to be asserted upon instantiation of the browser, the icon, after accessing and displaying an associated bookmarked Web page, is disassociated with the displayed bookmarked Web page and is associated with a next bookmarked Web page in the sequence.

AUS920010860US1

OCT 10 2005



Appl. No. 09/981,878
Appeal Brief dated 10/10/2005
Reply to Office Action of 06/01/2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of: :
Genty et al. :
Serial No: 09/981,878 : Before the Examiner:
Filed: 10/18/2001 : Dennis G. Bonshock
Title: APPARATUS AND METHOD : Group Art Unit: 2173
OF VISITING BOOKMARKED WEB : Confirmation No.: 7330
PAGES WITHOUT OPENING A :
BOOKMARK FOLDER :

APPELLANTS' BRIEF UNDER 37 C.F.R. 1.192

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is an appeal to a final rejection dated June 01, 2005 of claims 1, 4 - 6, 9 - 11, 14 - 16 and 19 - 29 of Application Serial Number 09/981,878 filed on October 18, 2001. This Appeal Brief is submitted pursuant to a Notice of Appeal filed on August 08, 2005 in accordance with 37 C.F.R. 1.192.

AUS920010860US1

Page 1 of 11

Appl. No. 09/981,878
Appeal Brief dated 10/10/2005
Reply to Office Action of 06/01/2005

BRIEF FOR APPLICANTS - APPELLANTS

(1)

Real Party in Interest

The real party in interest is International Business Machines Corporation (IBM), the assignee.

(2)

Related Appeals and Interferences

There are no other appeals or interferences known to appellants, appellants' representative or assignee, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3)

Status of Claims

Claims 1, 4 - 6, 9 - 11, 14 - 16 and 19 - 29 have been finally rejected in an Office Action dated June 01, 2005. In that Office Action, the Examiner objected to the claims because the "W" in the word "Web" was sometimes capitalized and at times not. In a telephone conversation on August 02, 2005, the Examiner has agreed to enter an Examiner's Amendment in which the word "Web" will be written with a capital "W" in all the claims to overcome the objection. The Examiner's Amendment will be entered in the Examiner's Reply Brief. This appeal involves all the rejected claims.

(4)

Status of Amendment

All amendments have been entered.

AUS920010860US1

Page 2 of 11

Appl. No. 09/981,878
Appeal Brief dated 10/10/2005
Reply to Office Action of 06/01/2005

(5)

Summary of the Invention

The present invention provides a method, system and apparatus for accessing bookmarked Web pages without opening a bookmark folder (see page 9, lines 20 - 23 as well as Title on page 1). The invention uses an icon in a browser to access the bookmarked Web pages (see Fig. 8). Specifically, when a Web page is being bookmarked, it can be chosen to be part of a route or be part of a string of bookmarks to be successively accessed (see page 11, lines 8 - 18 and Fig. 8). Provided there is an existing route (see Figs. 9 and 10), when the browser is first instantiated, the icon in the browser will point directly to the first bookmark Web page in the route (see page 11, lines 19 - 27, page 12, lines 3 - 6). Therefore, if the user clicks on the icon, the first bookmarked Web page in the route will be accessed without the bookmark folder having been opened.

(6)

Issues

Whether Claims 1, 4 - 6, 9 - 11, 14 - 16 and 19 - 29 were properly rejected under 102(e) as being anticipated by Bauersfeld et al.

(7)

Grouping of Claims

The rejected claims stand or fall together.

(8)

AUS920010860US1

Page 3 of 11

Appl. No. 09/981,878
Appeal Brief dated 10/10/2005
Reply to Office Action of 06/01/2005

Argument

In considering a Section 102 rejection, all the elements of the claimed invention must be disclosed in a single item of prior art in the form literally defined in the claim. *Jamesbury Corp. v. Litton Indus. Products*, 756 F.2d 1556, 225 USPQ 253 (Fed. Cir. 1985); *Atlas Powder Co. v. Dupont*, 750 F.2d 1569, 224 USPQ 409 (Fed. Cir. 1984); *American Hospital Supply v. Travenol Labs.*, 745 F.2d 1, 223 USPQ 577 (Fed. Cir. 1984).

Bauersfeld et al. purport to teach a session navigation and recording system for generating user defined paths. In accordance with the purported teachings of Bauersfeld et al., as a user navigates through the Internet, the user may elect to have the Web pages that are being accessed bookmarked for later retrieval. These bookmarked Web pages are stored in a session file folder. Generally, a default session file folder, having for name the current date, is used for storing the bookmarked Web pages. The user may, at any time, change the name of the default session file folder to any other name. In any case, when the user instantiates the browser for the first time in a day, the default session file folder will be empty. It will not start to fill up until the user has started to navigate through the Internet.

After activating the browser, the user may revisit a previously stored set of bookmarked web pages. To do so, the user needs to replace the default session file folder with a session file folder into which the set of bookmarked Web pages was previously stored. The user can do so by selecting, using a pull down menu of a session tool bar,

AUS920010860US1

Appl. No. 09/981,878
Appeal Brief dated 10/10/2005
Reply to Office Action of 06/01/2005

the desired session file folder. Once that is done, the user may access the bookmarked Web pages by asserting a BACK or a FORWARD button on the session tool bar.

Thus, Bauersfeld et al. do not teach or suggest the steps of *activating a browser for a first time in a day, wherein the browser, upon activation, has at least one icon associated with the first one of the bookmarked web pages in the sequence; and of accessing and displaying the first one of the bookmarked Web pages by asserting the icon as claimed* (see representative Claim 1). Rather, Bauersfeld et al. arguably teach that the user has to make that association by choosing a session file folder that contains a set of bookmarked Web pages or that the user has to begin to navigate through the Internet before the association occurs.

Consequently, Applicants submit that the claims in the Application are allowable. Hence, Applicants respectfully request allowance and passage to issue of the claims in the application.

Respectfully submitted,

By: 

Volel Emile
Attorney for Applicants
Registration No. 39,969
(512) 306-7969

AUS920010860US1

Page 5 of 11

Appl. No. 09/981,878
Appeal Brief dated 10/10/2005
Reply to Office Action of 06/01/2005

APPENDIX

1. (Previously presented) A method of accessing and displaying a plurality of bookmarked web pages, the plurality of bookmarked Web pages being arranged in a bookmark folder in a sequence in which the bookmarked Web pages are to be accessed, the method comprising the steps of:

activating a browser for a first time in a day, said browser, upon activation, having at least one icon associated with the first one of said bookmarked web pages in the sequence; and

asserting said at least one icon for accessing and displaying said first one of said bookmarked Web pages.

2. Canceled.

3. Canceled.

4. (Previously presented) The method of Claim 22 wherein the at least one icon is a next icon.

5. (Previously presented) The method of Claim 4 wherein the other icon is a previous icon.

6. (Previously presented) A computer program product on a computer readable medium for accessing and displaying

AUS920010860US1

Appl. No. 09/981,878
Appeal Brief dated 10/10/2005
Reply to Office Action of 06/01/2005

a plurality of bookmarked web pages, the plurality of bookmarked Web pages being arranged in a bookmark folder in a sequence in which the bookmarked Web pages are to be accessed, the computer program product comprising:

code means for activating a browser for a first time in a day, said browser, upon activation, having at least one icon be associated with the first one of said bookmarked web pages in the sequence; and

code means for asserting said at least one icon for accessing and displaying said first one of said bookmarked Web pages.

7. Canceled.
8. Canceled.
9. (Previously presented) The computer program product of Claim 24 wherein the at least one icon is a next icon.
10. (Previously presented) The computer program product of Claim 9 wherein the other icon is a previous icon.
11. (Previously presented) An apparatus for accessing and displaying a plurality of bookmarked web pages, the plurality of bookmarked Web pages being arranged in a bookmark folder in a sequence in which the bookmarked

AUS920010860US1

Page 7 of 11

Appl. No. 09/981,878
Appeal Brief dated 10/10/2005
Reply to Office Action of 06/01/2005

Web pages are to be accessed, the apparatus comprising:

means for activating a browser for a first time in a day, said browser, upon activation, having at least one icon be associated with the first one of said bookmarked web pages in the sequence; and

means for asserting said at least one icon for accessing and displaying said first one of said bookmarked Web pages.

12. Canceled.

13. Canceled.

14. (Previously presented) The apparatus of Claim 26 wherein the at least one icon is a next icon.

15. (Previously presented) The apparatus of Claim 14 wherein the other icon is a previous icon.

16. (Previously presented) A computer system for accessing and displaying a plurality of bookmarked web pages, the plurality of bookmarked Web pages being arranged in a bookmark folder in a sequence in which the bookmarked Web pages are to be accessed, the computer system comprising:

at least one memory device for storing code data; and

AUS920010860US1

Appl. No. 09/981,878
Appeal Brief dated 10/10/2005
Reply to Office Action of 06/01/2005

a processor for processing said code data to activate a browser for a first time in a day, said browser, upon activation, having at least one icon be associated with the first one of said bookmarked web pages in the sequence, and to assert said at least one icon for accessing and displaying said first one of said bookmarked Web pages.

17. Canceled.

18. Canceled.

19. (Previously presented) The computer system of Claim 28 wherein the at least one icon is a next icon.

20. (Previously presented) The computer system of Claim 19 wherein the other icon is a previous icon.

21. (Previously presented) The method of Claim 1 wherein after accessing a previous one of the bookmarked Web pages in the sequence, the at least one icon becomes associated with a succeeding one of the bookmarked Web pages in the sequence.

22. (Previously presented) The method of Claim 21 wherein after accessing the previous one of the bookmarked Web pages, the previous one of the bookmarked web pages becomes associated with another icon.

AUS920010860US1

Appl. No. 09/981,878
Appeal Brief dated 10/10/2005
Reply to Office Action of 06/01/2005

23. (Previously presented) The computer program product of Claim 6 wherein after accessing a previous one of the bookmarked Web pages in the sequence, the at least one icon becomes associated with a succeeding one of the bookmarked Web pages in the sequence.
24. (Previously presented) The computer program product of Claim 23 wherein after accessing the previous one of the bookmarked Web pages, the previous one of the bookmarked web pages becomes associated with another icon.
25. (Previously presented) The apparatus of Claim 11 wherein after accessing a previous one of the bookmarked Web pages in the sequence, the at least one icon becomes associated with a succeeding one of the bookmarked Web pages in the sequence.
26. (Previously presented) The apparatus of Claim 25 wherein after accessing the previous one of the bookmarked Web pages, the previous one of the bookmarked web pages becomes associated with another icon.
27. (Previously presented) The computer system of Claim 16 wherein after accessing a previous one of the bookmarked Web pages in the sequence, the at least one icon becomes associated with a succeeding one of the bookmarked Web pages in the sequence.

AUS920010860US1

Appl. No. 09/981,878
Appeal Brief dated 10/10/2005
Reply to Office Action of 06/01/2005

28. (Previously presented) The computer system of Claim 27 wherein after accessing the previous one of the bookmarked Web pages, the previous one of the bookmarked web pages becomes associated with another icon.

29. (Previously presented) A method of bookmarking a plurality of web pages such that the plurality of the bookmarked web pages can be accessed without opening a bookmark folder in which the plurality of bookmarked web pages are stored comprising the steps of:

bookmarking the plurality of bookmarked Web pages by storing the plurality of bookmarked Web pages into the bookmark folder, the plurality of bookmarked Web pages being stored in the bookmark folder in a sequence in which the bookmarked Web pages are to be accessed;

enabling an icon in a browser to be associated with the first bookmarked Web page in the sequence;

enabling the icon upon being asserted to access and display the associated bookmarked Web page; and

allowing the icon to be asserted upon instantiation of the browser, the icon, after accessing and displaying an associated bookmarked Web page, is disassociated with the displayed bookmarked Web page and is associated with a next bookmarked Web page in the sequence.

AUS920010860US1

Page 11 of 11